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Department of State

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FROM: Tokyo

TO: Secretary of State

NO: 1484, November 7, 5 p.m.

FCN treaty.

Japanese Govt proposes deletion para 6, article 12 on ground article 24 suffices and further mention consultation stresses point unduly. Embassy recommends acceptance. Various other points pending article 12 revolving around Japanese Govt desire right screen investments. These still under discussion along with article 7 and will be reported separately. As part this general issue Japanese Govt also proposes protocol reservation article 12 along lines para 7 protocol een (rpt den)* treaty. Request comments.

Re article 15 Japanese Govt declares word "nominal" liable misinterpretation under Japanese law. Proposes deletion last sentence para 2 and substitution therefor GATT article 8 para 30. Japanese Govt does not (rpt not) object mention shipping laws provided understood these refer here only to documentation but is unwilling modify GATT clause. Embassy suggests compromise reading "penalties imposed for infractions of the customs and shipping laws and regulations concerning documentation shall in case resulting from clerical errors or when good faith can be demonstrated, be no (rpt no) greater than necessary to serve merely as a warning." Will appreciate comment.

JAK:RDB

Note: * As received.

MURPHY

DEPARTMENT OF STATE A/CDC/MR	
REVIEWED BY <i>[Signature]</i>	DATE 9-30-82
RDS ☐ or XDS ☐ EXT. DATE	
TS AUTH. _____	REASON(S) _____
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11/15/52
CORRECTED PAGE
SMD: [illegible]15 59-78-22
378
ActionControl: 5045
Rec'd: November 14, 1952
7:06 a.m.

FROM: Tokyo

F80002-0261

TO: Secretary of State

NO: 1558, November 14, 8 p.m.

PRIORITY

DECLASSIFICATION DATE 11/12/79
PER Harry OFFICE CAC
FADRC FOI CASE NO. 2902989

FCN treaty.

Re new para 7 Art 14 proposed Dept A-97, June 10. Jap Govt urges revision clause "a party may impose quantitative restrictions" to read "a party may apply restrictions or controls" which considered closer to principle GATT Art 15. Emb recommends acceptance.

Re para 1, Art 16 Jap Govt wishes protocol reservation for possible control over sale, distribution imported goods. Proposed reservation as suggested Dept's A-64, May 27, follows text para 3 protocol Ital treaty with slight edit changes except for opening clause as follows "during the postwar transitional period, the provisions of Art 16, etc". Emb believes this clause and subsequent "cause unnecessary injury" undesirable. Suggest fol revision "during periods of emergency resulting in availabilities of industrial raw materials and basic foodstuffs, the provisions of Art 16, para 1, of the present treaty shall not (rpt not) prevent the application by either party of needed controls over the internal sale, distribution or use of imported articles of these categories which may be in short supply, other than or different from controls applied with respect to like arts of natl origin. If imposed, such controls over the internal distribution of imported articles shall be applied by either party in such a manner as to minimize injury to the competitive position within its terms of the commerce of the other party, and shall be continued no (rpt no) longer than required by the supply situation". If Dept approves Emb will attempt persuade Jap Govt accept above version.

Re para 2 Art 18, Jap Govt questions possible treaty right for aliens which wld be denied natls in competition with govt trade and mfg enterprises. Although no (rpt no) such enterprises contemplated, Jap Govt believes para 2 privileges shld be limited to natl treatment. Jap Govt therefore requests deletion this para but now reconsidering in light Emb comment broad concept competitive equality re govt enterprises. Will appreciate Dept's additional comment.

Jap Govt

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